

By Senators Townsend, Kauffman, Darwin, Conner, Morrow, Nugent, Brelsford, Vaughan, Collins, Warren, Cowell, Lattimore, Gibson and Taylor:

Numerous petitions and telegrams numerously signed by citizens of towns and organizations in Texas, urging that the Missouri, Kansas & Texas Railway consolidation bill be passed over the Governor's veto.

By Senator Lattimore:

Petition numerously signed by voters of Parker county, Texas, asking that the road law of Parker county be amended so as to permit Parker county commissioners being placed on a salary basis.

By Senator Lattimore:

Petition numerously signed by citizens of El Paso, Texas, and the Dallas, Texas, B. Y. P. U., asking that legislation be enacted regulating observance of the Sabbath and the closing of theaters on that day.

By Senators Townsend, Westbrook, Kauffman, Warren and Nugent:

Petition numerously signed by citizens of their districts, requesting passage of Senate bill No. 27 and House bill No. 20, regulating the rural peddling of medicine.

By Senators Westbrook and Vaughan:

Petitions numerously signed by citizens of their respective districts, asking that legislation be passed permitting the Cotton Belt Railroad Company to consolidate with its systems certain railway lines and that the bill be passed without amendment.

### THIRTY-SECOND DAY.

Senate Chamber,

Austin, Texas,

Tuesday, February 25, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Gibson.
Bailey.	Johnson.
Brelsford.	Hudspeth.
Carter.	Kauffman.
Collins.	Lattimore.
Conner.	McGregor.
Cowell.	McNealus.
Darwin.	Morrow.

Murray.  
Nugent.  
Paulus.  
Real.  
Taylor.  
Terrell.  
Townsend.

Vaughan.  
Warren.  
Watson.  
Westbrook.  
Wiley.  
Willacy.

Absent—Excused.

Greer.

Weinert.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending further reading of the Journal of yesterday, on motion of Senator Taylor, the same was dispensed with.

### VOTE ON ADOPTION OF SENATE CONCURRENT RESOLUTION NO. 7 RESCINDED.

Senator Gibson here moved to rescind the vote by which the Senate adopted Senate Concurrent Resolution No. 7, on yesterday, the resolution being a resolution relating to the situation in Mexico.

Pending discussion, Senator Hudspeth moved the previous question on the motion to rescind the vote, which motion being duly seconded, was so ordered.

The motion to rescind was adopted.

Senator Gibson moved that the resolution be recommitted to Committee on Federal Relations, which motion was adopted.

### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator McNealus:

Resolved, That the Senate of Texas declare its adherence to the Monroe Doctrine, and affirm its sympathy with the full discharge upon the part of the United States of its obligation to safeguard the lives and property of the citizens of all foreign nations in the Western Hemisphere.

BRELSFORD.  
MCNEALUS.  
WARREN.  
ASTIN.  
MORROW.  
MURRAY.  
REAL.  
WESTBROOK.  
TAYLOR.

The resolution was read and referred to Committee on Federal Relations.

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Astin:

Resolved by the Senate, That the President of the Senate be requested to add the names of Senators Brelsford and Warren to the Committee on Federal Relations.

REAL,  
ASTIN.

Senator Hudspeth offered the following amendment:

Amend by adding Senator from Tarrant, Galveston and Senator from Fannin.

Senator Lattimore moved to lay the resolution and the amendment on the table.

Senator Murray called for a division of the question, but the Chair held that same could not be done on a motion to table.

The motion to table was adopted by the following vote:

Yeas—16.

Bailey.	Kauffman.
Carter.	Lattimore.
Conner.	McGregor.
Cowell.	Nugent.
Darwin.	Paulus.
Gibson.	Watson.
Hudspeth.	Wiley.
Johnson.	Willacy.

Nays—11.

Astin.	Taylor.
Collins.	Terrell.
McNealus.	Townsend.
Morrow.	Warren.
Murray.	Westbrook.
Real.	

Present—Not Voting.

Brelsford	Vaughan.
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Absent—Excused.

Greer.	Weinert.
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## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Taylor:

Add to the Committee on Federal Relations all members of this body not already on said committee.

On motion of Senator Nugent the resolution was tabled.

## BILLS AND RESOLUTIONS.

By Senator Lattimore:

Senate bill No. 352, A bill to be entitled "An Act granting permission to Lee Smith, Boyd Neilson, Arly Gilbert, or the parent or parents or legal representatives, or guardian or guardians ad litem, or next friends of said persons, to bring suit in a district court of Tarrant county, Texas, for the purpose of ascertaining, adjudicating, fixing and establishing claims for damages against said State of Texas arising out of injuries received by said Lee Smith, Boyd Neilson and Arly Gibson on or about July, 1912, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Johnson:

Senate bill No. 353, A bill to be entitled "An Act to fix the time for holding the terms of the district courts in the Forty-seventh Judicial District, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Warren:

Senate bill No. 354, A bill to be entitled "An Act to establish the Terrell State Normal College; providing that the State Board of Education shall control the same; providing for a local board resident in Terrell, Kaufman county, Texas; fixing the time for the opening of said normal college; making an appropriation to purchase and equip the buildings, to pay the salary of the president of said normal college for the year ending August 31, 1914, and to pay the salaries of the president and others employed in or by said college during the year beginning September 1, 1914; providing for the manner in which students shall be appointed to said normal college; providing for a meeting of the State Board of Education for the purpose of establishing departments in said normal college."

Read first time and referred to Committee on Educational Affairs.

By Senator Kauffman:

Senate bill No. 355, A bill to be entitled "An Act to amend Article 6625, Title 115, Chapter 11, Revised Statutes, Acts of 1889, as amended Special Session 1910, by striking therefrom the words: "nor shall the main track of any railroad once constructed and operated be abandoned or moved.'"

Read first time and referred to Committee on Internal Improvements.

By Senator Brelsford:

Senate bill No. 356, A bill to be entitled "An Act to create a road commission for Callahan county by making the members of the commissioners court ex-officio members of said commission, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Townsend:

Senate bill No. 357, A bill to be entitled "An Act to establish standards of weights and measures in the State of Texas; to create the office of Commissioner of Weights and Measures; and to provide for the appointment of the Commissioner of Weights and Measures and his deputy and assistants, and to prescribe their powers and duties; to require the appointment of city sealers by certain cities in the State; to prescribe the contents of certain containers and the making of all other containers; and to prescribe fines and penalties for violation of this act."

Read first time and referred to Committee on State Affairs.

By Senators Vaughan and McGregor:

Senate bill No. 358, A bill to be entitled "An Act to make it unlawful to coerce, or attempt to coerce, or to require, or demand any person to enter into any agreement, written or oral, not to join or become a member of any labor or other organization or association, as a condition for securing employment or continuing in the employment of such person, and declaring an emergency."

Read first time and referred to Committee on Labor.

(By Unanimous Consent.)

By Senators Terrell, Real, Lattimore and Brelsford:

Senate bill No. 359, A bill to be entitled "An Act creating a Child Welfare Commission to collect, compile, study, preserve and disseminate information concerning the welfare of the children of this State, and to make recommendations for the conservation of child life, and for the betterment of the condition of the children of Texas, and making an appropriation, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Terrell:

Senate bill No. 360, A bill to be entitled "An Act to create a more efficient road system for McLennan county, Texas, making county commissioners of said county ex-officio road commissioners and prescribing their duties as such, and providing for their compensation, as road commissioners, and defining the powers and duties of such county commissioners, providing for the working of county convicts on the public roads of said county, providing for officers' fees and rewards and penalties for said convicts, and rewards for the capture of escaped convicts, providing for the employment of a county road superintendent of said county, fixing the salary of said road superintendent, defining his duties as such road superintendent, providing for the employment of road keepers in said county and the defining of their duties, providing for eminent domain in the opening, widening, laying out, and straightening of public highways, and in securing material for the construction or maintenance of public highways in McLennan county, repealing all laws requiring road or street duty, fixing penalties for the violation of this act, repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Morning call concluded.

(Senator Townsend in the chair.)

#### SENATE BILL NO. 268.

The Chair laid before the Senate on second reading, as privilege matter, and on call of Senator Lattimore,

Senate bill No. 268, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts; providing for two additional districts to the number now provided for; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

There being a majority favorable, committee report with (committee) amendments, and an adverse minority committee report, and a minority adverse committee report with favorable substitute bill, being Senate bill No. 9,

Senator Lattimore moved to adopt the favorable majority committee report with (committee) amendments, and Senator Warren moved to substitute the minority (adverse) committee report, recommending Substitute Senate bill No. 9.

Action recurred on Senator Warren's

motion first, and Senator Brelsford moved to table that motion, which motion to table prevailed by the following vote:

Yeas—18.

Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Townsend.
Cowell.	Vaughan.
Hudspeth.	Watson.
Johnson.	Westbrook.
Lattimore.	Wiley.
Murray.	Willacy.

Nays—7.

Astin.	Taylor.
Kauffman.	Terrell.
McGregor.	Warren.
Morrow.	

Present—Not Voting.

Bailey.	Gibson.
Darwin.	McNealus.

Absent—Excused.

Greer.	Weinert.
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Senator Morrow then moved to substitute the minority (adverse) committee report in lieu of the favorable majority committee report with amendments, which motion was lost by the following vote:

Yeas—6.

Astin.	Murray.
McGregor.	Taylor.
Morrow.	Warren.

Nays—21.

Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Vaughan.
Gibson.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Kauffman.	Willacy.
Lattimore.	

Present—Not Voting.

Darwin.	McNealus.
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Absent—Excused.

Greer.	Weinert.
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Action then recurred on the motion to adopt the majority (favorable, with amendments) committee report, which motion prevailed by the following vote:

Yeas—20.

Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Vaughan.
Gibson.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Lattimore.	Willacy.

Nays—7.

Astin.	Murray.
Kauffman.	Taylor.
McGregor.	Warren.
Morrow.	

Present—Not Voting.

Darwin.	McNealus.
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Absent—Excused.

Greer.	Weinert.
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The bill having been read, Senator Johnson offered the following amendment, which was read and adopted:

Amend the bill as reported by striking out from District No. 17, and adding to District No. 18 the following counties: Baylor, Knox, King, Dickens, Crosby, Lubbock, Hockley and Cochran.

Senator Morrow offered the following amendment:

Amend the bill by making the Seventh District of Dallas and Rockwall counties, and by adding to the Eighth District the counties of Johnson and Ellis.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 25, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

House Concurrent Resolution No. 14, Providing for joint committee to investigate the sanitary condition of the Capital, to investigate and report the advisability of adjournment.

The following committee on the part of the House has been appointed:

Mangum, Allison, Rogers, Kirby and Kennedy.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

(Lieutenant Governor Mayes in the chair.)

HOUSE CONCURRENT RESOLUTION  
NO. 14—ADOPTION OF.

Senator Willacy called up as a privilege matter, the following resolution:

House Concurrent Resolution No. 14. Resolved by the House, the Senate concurring, That a joint committee of ten, five to be appointed by the Speaker of the House and five to be appointed by the Lieutenant Governor, be named to confer as to the best solution for the condition confronting the Legislature.

That said committee be and is hereby directed, to make a thorough investigation into every phase of the situation, including the sanitary condition of the Hall of the House of Representatives with reference to the advisability of the Legislature remaining in session.

That said committee is authorized to consult such physicians as they may desire and deem advisable.

That the committee be requested to report today to both houses, if it is possible for them to do so.

The resolution was read and adopted.

In accordance with the above resolution, the Chair, Lieutenant Governor Mayes, appointed the following committee on part of the Senate:

Senators Vaughan, Carter, Brelsford, Willacy and Lattimore.

## SENATE BILL NO. 268.

Action recurred on the pending business, Senate bill No. 268, the question being on the pending amendment by Senator Morrow.

Senator Terrell moved to table the amendment, which motion to table prevailed.

Senator Astin offered the following amendment:

Amend the bill by striking out the county of Navarro, in District No. 4, and add it to Freestone, Limestone, Robertson, Milam, Brazos, Lee and Burleson, in the same Congressional district.

Senator Lattimore moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—18.

Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Collins.	Terrell.
Conner.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Watson.
Johnson.	Westbrook.
Lattimore.	Willacy.

Nays—8.

Astin.	Murray.
McGregor.	Taylor.
McNealus.	Warren.
Morrow.	Wiley.

Present—Not Voting.

Cowell.	Darwin.
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Absent.

Kauffman.

Absent—Excused.

Greer.

Weinert.

Senator Warren offered the following amendment:

Amend the bill by striking out of District No. 3 the counties of Shelby and Panola and by adding Henderson county to said district.

Senator Hudspeth moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—16,

Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Terrell.
Collins.	Townsend.
Conner.	Vaughan.
Gibson.	Watson.
Hudspeth.	Wiley.
Johnson.	Willacy.

Nays—9.

Astin.	Murray.
Kauffman.	Taylor.
McGregor.	Warren.
McNealus.	Westbrook.
Morrow.	

Present—Not Voting.

Cowell.	Real.
Lattimore.	

Absent.

Darwin.

Absent—Excused.

Greer.

Weinert.

(Senator Morrow in the chair.)

Senator Warren offered the following amendment:

Amend the bill by striking Navarro county out of the Fourth District.

Senator Hudspeth moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—12.

Brelsford.	Collins.
Carter.	Conner.

Gibson.	Terrell.
Hudspeth.	Vaughan.
Johnson.	Watson.
Paulus.	Willacy.

Nays—8.

Astin.	Taylor.
Kauffman.	Townsend.
McNealus.	Warren.
Murray.	Westbrook.

Present—Not Voting.

Bailey.	Morrow.
Cowell.	Nugent.
Darwin.	Real.
Lattimore.	Wiley.
McGregor.	

Absent—Excused.

Greer.	Weinert.
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Senator Cowell offered the following amendment:

Amend the bill by striking Lamar county from District No. 2 and adding it to District No. 1.

Senator Carter moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—17.

Brelsford.	Real.
Carter.	Terrell.
Collins.	Townsend.
Conner.	Vaughan.
Darwin.	Watson.
Gibson.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.
Nugent.	

Nays—9.

Astin.	Murray.
Bailey.	Paulus.
Cowell.	Taylor.
Kauffman.	Warren.
McNealus.	

Present—Not Voting.

Lattimore.	Morrow.
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Absent.

McGregor.	
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Absent—Excused.

Greer.	Weinert.
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Senator Townsend offered the following amendment:

Amend the bill by striking out the list of counties in District No. four (4) and insert in lieu of said counties named the following counties to constitute said

district: Anderson, Houston, Trinity, Cherokee, Rusk, Angelina, Nacogdoches, Polk, San Augustine, Sabine, Shelby and Panola.

(Lieutenant Governor Mayes in the chair.)

Senator Brelsford moved to table the amendment, which motion to table prevailed.

Senator Murray offered the following amendment:

Amend the bill by striking out subdivision 13 and insert the following: "The following counties shall compose the Thirteenth District, to wit: Guadalupe, Wilson, Atascosa, Live Oak, Nueces, San Patricio, Jim Wells, Willacy, Cameron, Hidalgo, Starr, Brooks, Zapata, Duval, Webb, La Salle, Maverick, Uvalde, Medina, Bandera, Zavala, Dimmit, Frio, McMullen."

Senator Hudspeth moved to table the amendment, which motion to table prevailed.

Senator Taylor offered the following amendment:

Strike out of the Eleventh District Hays and Travis counties and add McLennan and Falls counties to said Eleventh district.

# RECESS.

On motion of Senator Wiley, the Senate, at 12:35 o'clock p. m., recessed until 2:30 o'clock today.

# AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

# SENATE BILL NO. 268.

Action recurred on the pending business, the question being on the pending amendment by Senator Taylor.

On motion of Senator Hudspeth the amendment was tabled.

Senator Taylor offered the following amendment:

Strike Bosque county from the Eighth District and add it to the Seventh District.

On motion of Senator Hudspeth the amendment was tabled.

Senator Kauffman offered the following amendment:

Amend by making the Tenth District read as follows: "Galveston, Brazoria,

Chambers, Liberty, San Jacinto, Polk, Trinity, Houston, Anderson and Cherokee."

On motion of Senator Lattimore the amendment was tabled.

Senator Conner offered the following amendment, which was read and adopted:

Amend the bill by striking out the counties of Hamilton and Llano from the Eleventh District and adding same to the Sixteenth District.

Senator Watson offered the following amendment:

Amend the bill by striking Fayette county out of District No. 12 and by inserting it in District No. 10.

Senator Kauffman moved to table the amendment, which motion was lost.

Senator Murray offered the following substitute for the amendment:

Amend the bill by striking Harris out of subdivision 9 and striking out of subdivision 10 the following: Brazoria, Fort Bend, Austin, Waller, Washington, Fayette, Bastrop, Lee, Burleson, and insert the word "Harris."

Senator Watson made the point of order that the substitute was not germane to the amendment, and the Chair sustained same.

The amendment was adopted.

Senator Astin offered the following amendment:

Amend the bill by striking out the counties of Robertson and Brazos in District No. 9.

Senator Lattimore moved to table the amendment, which motion to table was adopted by the following vote:

## Yeas—19.

Brelsford.	Paulus.
Carter.	Real.
Collins.	Terrell.
Conner.	Townsend.
Darwin.	Vaughan.
Gibson.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Lattimore.	Willacy.
Nugent.	

## Nays—8.

Astin.	McNealus.
Bailey.	Murray.
Kauffman.	Taylor.
McGregor.	Warren.

## Present—Not Voting.

Cowell.

Absent.

Morrow.

Absent—Excused.

Greer.

Weinert.

Senator McNealus offered the following amendment:

Amend the bill by transferring Tarrant county from the Sixth district to the Seventh District.

On motion of Senator Hudspeth the amendment was tabled.

Senator Bailey offered the following amendment:

Amend by eliminating Robertson, Leon, Brazos, Madison, Grimes, Montgomery and Harris from District No. 9 and substituting Fort Bend, Harris, Waller, Austin and Galveston counties for said district.

On motion of Senator Nugent the amendment was tabled.

Senator Taylor offered the following amendment:

Amend the bill by striking Robertson county from the Ninth District and adding it to the Eighth District.

On motion of Senator Lattimore the amendment was tabled.

Senator Watson offered the following amendment:

Amend the bill by striking Chambers county out of District No. 10 and by adding to it District No. 5.

Senator Carter moved the previous question on the engrossment of the bill, which motion being duly seconded was so ordered.

The bill, having been read second time, was passed to engrossment by the following vote:

## Yeas—19.

Brelsford.	Paulus.
Carter.	Real.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Vaughan.
Gibson.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Lattimore.	Willacy.
Nugent.	

## Nays—8.

Astin.	Morrow.
Kauffman.	Murray.
McGregor.	Taylor.
McNealus.	Warren.

## Present—Not Voting.

Bailey.

Darwin.

Absent—Excused.

Greer.

Weinert.

## REASON FOR VOTE.

I vote "yea" because, though the bill as a whole does not meet my approval, and there are many inequalities in it, I realize that it is necessary to pass some kind of a bill in order to get to Conference Committee that a fairly satisfactory bill can be passed, otherwise no redistricting bill can be passed.

VAUGHAN.

On motion of Senator Carter the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Watson.
Johnson.	Westbrook.
Lattimore.	Wiley.
Morrow.	Willacy.

## Nays—5.

Astin.	McNealus.
Kauffman.	Warren.
McGregor.	

## Absent—Excused.

Greer.	Weinert.
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The bill was read third time and passed by the following vote:

## Yeas—19.

Bailey.	Nugent.
Brelsford.	Real.
Carter.	Terrell.
Collins.	Townsend.
Conner.	Vaughan.
Cowell.	Watson.
Gibson.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.
Lattimore.	

## Nays—9.

Astin.	Murray.
Kauffman.	Paulus.
McGregor.	Taylor.
McNealus.	Warren.
Morrow.	

## Present—Not Voting.

Darwin.

## Absent—Excused.

Greer.

Weinert.

Senator Carter moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## EXECUTIVE MESSAGE.

Governor's Office,

Austin, Texas, February 25, 1913.

To the Senate and House of Representatives:

In 1835, when a Georgia battalion had been raised to take part in establishing the independence of Texas, Miss Joanna Troutman, of Knoxville, Ga., designed a white silk flag, with a blue star of five points in the center on either side, on which was inscribed, "Liberty or Death," and presented the same to the Georgia battalion.

Miss Troutman was born at Crawford, Ga., February 19, 1819, and died at the home of her childhood in August, 1880, at the age of sixty-one. She was twice married; in 1837 to Colonel S. L. Pope, a distinguished lawyer and planter, and after his demise in 1875, and a few years before her death, she was married the second time to Hon. W. G. Vinson, of Fort Valley, Ga., then a member of the Georgia Legislature.

At the time she designed and made the Lone Star Flag which was presented to the Georgia battalion, and which subsequently floated over the bloody field of Goliad, she was eighteen years of age. She was a girl of remarkable grace and beauty; by nature noble and refined, and by birth she came of a wealthy and distinguished family. Her life was a benediction to those around her. Miss Troutman was a step-sister of Hon. L. Q. C. Lamar, a native of Georgia, but afterwards a Senator of the United States from Mississippi, a member of President Cleveland's cabinet, and a Justice of the Supreme Court of the United States.

On the 8th day of January, 1836, the white silk flag with a single star was unfurled at Velasco, where it floated until the Georgia battalion took up its march to meet enemies of liberty and independence. It was this flag which floated from the flagstaff at Goliad when Mexican tyrants massacred Colonel Fannin and his men. The following lines, composed for the occasion of unfurling this banner, and subsequently published in The Telegraph and Register, printed



at San Felipe de Austin, I consider appropriate to incorporate in this message to you:

"This silken banner! This silken banner

In glorious triumph soon shall wave  
O'er 'forest wide,' and green savannah,  
Borne by the chivalrous and brave.

"Yes, it shall proudly float above  
The heads of those whose hearts beat high  
For deeds of fame—whose ardent love  
Of freedom glows in every eye.

"And now this banner is unfurled,  
By Georgia's sons, in 'stranger lands,'  
Breathes there a man in this wide world,  
Could wrest it from a Georgian's hand!

"No, no! 'twould be as vain to try  
To snatch from him this banner bright  
As 'twould to bid the sun on high,  
Cease to emit his glorious light.

"For sooner would a Georgian die,  
And slumber in a soldier's grave,  
Than see this flag, when floating high,  
Struck to a despot's cringing slave!

"Maiden, it ne'er shall be disgraced  
By those to whom thou didst intrust  
Its destiny, but be replaced  
In thy fair hand, bright as at first."

I have received a letter from Mrs. M. E. Pope, of Eutaw, Alabama, daughter-in-law of Joanna Troutman, in which she states: "I have one favor to ask of you. Mother was so pure, so gentle, so self-sacrificing, that I would like the inscription, 'Blessed are the pure in heart, for they shall see God,' be placed on her monument. Have the monument 'Sacred to the memory of' Joanna Troutman! Her children would prefer this."

I respectfully ask the Senate and House of Representatives, in view of the patriotic service rendered by this noble woman, if they will not take some recognition of her service to this great State, and fix a convenient hour agreeable to the members of both houses at which proper tribute may be paid her. She was the "Betsy Ross" of the Republic of Texas, and I feel sure that Texas people will be glad to see their Legislature do honor to her memory.

The remains of Joanna Troutman have arrived in the City of Austin and are resting at the undertaker's establishment of S. E. Rosengren. As soon as proper tribute is paid her, the remains will be re-interred in a lot already

selected in the State Cemetery, where, in due course, a suitable monument will be erected in her honor with money patriotically contributed by citizens of this State.

More than a year ago Mrs. Cornelia H. Brown of Fort Valley, Ga., brought to my attention the fact that the remains of Joanna Troutman were resting in an obscure spot in an unmarked grave on the place where she was born and raised, and asked if something could not be done to properly recognize the woman who designed the Lone Star Flag of Texas. After considerable correspondence, through the intercession of Mrs. Brown, to whom much credit is due, the consent of all Miss Troutman's relatives was secured to the removal of her remains to Texas.

I take this occasion to publicly thank Mrs. Brown for her valuable services. I requested her to accompany the remains to Texas, and regret that she was unable to do so.

Respectfully submitted,

O. B. COLQUITT,  
Governor of Texas.

#### SENATE CONCURRENT RESOLUTION NO. 8.

By Senator Willacy:

Resolved, by the Senate, the House concurring, that,

Whereas, The remains of Joanna Troutman, the designer of the Lone Star flag of Texas, are now in the city of Austin, and

Whereas, Said remains have been entrusted to the State of Texas for interment in the soil of our State, and

Whereas, Though the spirit of a noble and patriotic woman has been called to a brighter home, yet in memory she still lives, and should ever live, in the hearts of a grateful people, therefore be it

Resolved, by the Senate, the House concurring, That suitable services befitting the reception and final interment of these patriotic remains, be held, and be it further

Resolved, That said services be held in the Senate chamber at 8 o'clock p. m. of Wednesday, February 26, and that the same be held under the direction of the Governor, Lieutenant Governor and Speaker of the House, and furthermore that the Secretary of the Senate and the Secretary of the House be, and are hereby, instructed to forward a copy of this resolution to Mrs. M. E. Pope of Eutaw, Alabama, daughter-in-law of said Joanna Troutman.

The resolution was read and adopted.

## HOUSE BILL NO. 383.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 383, A bill to be entitled "An Act making appropriations for deficiencies in appropriations made for the support of the State government for the fiscal year ending August 31, 1912, and to meet emergency deficiencies approved by the Governor for the erection of a mess hall and main building at the Agricultural and Mechanical College, and for repairs of buildings and grounds of the Deaf and Dumb Institute, Blind Institute and Insane Asylum at Austin; and making an urgent appropriation necessary for the completion of the building at the College of Industrial Arts for Women, and to buy fuel for the Blind Institute, to pay balance for furniture and furnishing of Governor's mansion, and to pay per diem and traveling expenses of members of the State Mining Board."

(Senator Collins in the chair.)

The bill was read second time and Senator Lattimore offered the following amendment:

Amend bill, page 3, by adding after line 26, the following:

Claims registered in Comptroller's office, for fiscal year ending August 31, 1912:

To pay special judges:

Registered ..... \$1,025.24  
Estimated ..... 124.26

\$ 1,150.00

To refund liquor dealer's license the proportionate amount of taxes paid by them for the unexpired term of their licenses in local option districts, and to refund the State's portion of liquor dealer's licenses under Sections 7 and 16, Chapter 17 of the First Called Session of the Thirty-first Legislature to August 31, 1913:

Registered ..... \$3,000.00  
Estimated ..... 5,000.00

8,000.00

Expenses of district judges and district attorneys, as allowed by acts of the Thirty-second Legislature chapter 27:

Registered ..... \$8,221.74  
Estimated ..... 1,000.00

9,221.74

Fees and costs of sheriffs, clerks and attorneys in felony cases:

Registered ..... \$33,822.84  
Estimated ..... 4,000.00

37,822.84

Expenses of attached witnesses:

Registered ..... \$17,666.03  
Estimated ..... 2,000.00

19,666.03

Fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials:

Registered ..... \$1,611.00  
Estimated ..... 400.00

2,011.00

Supplemental appropriations for the year ending August 31, 1913—

Expenses of district judges and district attorneys as allowed by the Acts of the Thirty-second Legislature, Chapter 27.....

9,000.00

Fees and costs of sheriffs, clerks and attorneys in felony cases .....

40,000.00

Expenses of attached witnesses .....

20,000.00

Fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials .....

2,000.00

For the year ending August 31, 1911—

Fees and costs of sheriffs, clerks and attorneys in felony cases:

Registered ..... \$16,021.82  
Estimated ..... 1,000.00

17,021.82

For the year ending August 31, 1910—

Fees and costs of sheriffs, clerks and attorneys in felony cases, registered

387.35

Total ..... \$493,813.77

For enforcing the provisions of Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, of Chapter 17 of the Acts of the First Called Session of the Thirty-first

Legislature, to be extended in two years ending August 31, 1913:  
Registered ..... \$3,110.04  
Estimated ..... 2,500.00

5,616.04

Grand total ..... \$499,420.81

The amendment was read, and Senator Willacy moved to table same, which motion was adopted.

The bill was passed to a third reading.

Senator Willacy moved to reconsider the vote by which the bill was passed to a third reading.

The motion prevailed.

Senator Willacy offered the following amendment, which was read and adopted:

Whereas, There is now no money available to pay the several accounts herein, this creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is suspended, and this bill be placed upon its third reading and final passage.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend the bill, page 1, line 25, of the caption by adding after the word "Board" the following: "And creating an emergency."

The bill was read second time and passed to a third reading.

On motion of Senator Willacy the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	Murray.
Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent.

Hudspeth. Morrow.

Absent—Excused.

Greer. Weinert.

The bill was read third time and passed by the following vote:

Yeas—25.

Astin.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Collins.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.
Murray.	

Absent.

Bailey. Hudspeth.  
Conner. Morrow.

Absent—Excused.

Greer. Weinert.

Senator Willacy moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 8.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading.

Senate bill No. 8. A bill to be entitled "An Act creating a State Highway Department, and establishing a State Highway Commission and the office of State Highway Engineer; prescribing the duties of each, and fixing the compensation of said State Highway Engineer, creating a fund by the license of motor vehicles, fixing a penalty for the failure to pay such license, making an appropriation to carry out the provisions of this act, and declaring an emergency."

The bill was read, and on motion of Senator Terrell, the committee report (which was adverse with favorable substitute for the bill) was adopted.

Senator McGregor offered the following substitute for the bill:

## A BILL

## To Be Entitled

An Act creating a State Trunk Highway Department, which shall be a part of the Prison System of Texas as that term is defined by law, and providing that the Board of Prison Commissioners shall be ex-officio State Highway Commissioners; and providing for the construction, maintenance and control by the State of a system of State Trunk Highways, at the cost of the State, and to be built with convict labor, as near as possible. And providing that the places where such convicts are worked shall at all times be under the control of the Prison Commission. Providing further, that the salaries of all employes under this act which are not fixed by this act shall be fixed by the Highway Commission, and that the Highway Commission shall not receive any salary as such. That this act shall not repeal any statute or law governing the Prison System of this State. Providing for the appointment of a competent engineer, with not more than two assistants, and providing their salaries, and authorizing the employing of necessary timekeepers, guards, mechanics, bookkeepers and all other kinds of employes necessary to the carrying out of the provisions of this act. Authorizing the Highway Commission to buy necessary stock, feed, provisions, tools and road machinery and materials and lands, gravel pits, rock quarries, shell reefs, and other road material; for the construction of camps, road houses and material depots, where necessary. Authorizing the contracting with railroad companies to move machinery, material or labor, and to build spurs or sidings where necessary; authorizing the Highway Commission to build road houses, labor camps and material depots, and to maintain the same. Describing and setting out the various routes over which said State Trunk Highway System is to extend, and naming the towns through which the same or some part thereof is to pass. Requiring that any highway built under the provisions of this act shall be of durable and substantial material, and that the roadbed shall be at least twenty feet wide. Providing that said Highway Commission shall not exercise the right of eminent domain; that the highways shall follow the present established courses of travel over the road indicated for such high-

way, and that when the route of any highway passes over and along any improved county road, that the Highway Commission shall notify the commissioners court of such county of such fact, and that the commissioners court shall record such notices in its minutes, and that thereafter said county road shall become a part of said Trunk Highway system, and be maintained by the State. Prohibiting the obstruction of any highway; or running any races with animals, automobiles or other vehicles upon any highway, and limiting the rate of speed of any vehicle upon any such highway, and providing penalties for violation thereof. Providing that the Highway Commissioners, engineers and assistant engineers, shall give bond; and providing that any appointee hereunder may be removed by the Highway Commission at any time. Defining the duties and powers of the highway engineer. Giving the Highway Commission the power to let any bridge or bridges on any highway to contract, if necessary. Prohibiting the "digging up" or otherwise injuring any highway and providing penalties. Prohibiting a railroad system from running its tracks along any State highway, except to approach any bridge thereon. Providing funds necessary to the carrying out of the provisions of this act. Providing that the State Treasurer shall hold such funds under an account of the "State Highway System Fund"; providing how the same may be paid out and expended. Providing that the Highway Commission shall, on the first day of January of each year, make an inventory of all lands, buildings, machinery and other property; and providing that said Highway Commission shall cause to be kept, in the accounting department of the Prison System, a system of books, showing the separate accounts of the Highway System, all of which shall be reported to the Governor, and which report shall be published. Providing for the auditing of the accounts, vouchers, warrants and all other financial transactions of the State Trunk Highway System, by the permanent auditor of the Prison System. Providing that the Highway Commission may have the State Purchasing Agent to purchase supplies and other materials for them in bulk, if they deem it necessary. Also providing any county may secure road material at any material depot for the purpose of constructing

roads connected with said highways, at the actual cost of such material at such depot. And providing that the Governor may pardon any convict who has worked for one year on the State Highway System, and who has violated no law or rule of said system, and who has served two-thirds of the time of the original sentence assessed against him. And providing that the holding of any section of this law to be unconstitutional shall in nowise affect the validity of any other section or part of this law.

Be it enacted by the Legislature of the State of Texas:

Section 1. That a State Trunk Highway Department is hereby created, which shall be a part of the Prison System of Texas, as that term is defined in Chapter 10 of the Acts of the Fourth Called Session of the Thirty-first Legislature, which was approved September 17, 1910; and the Board of Prison Commissioners provided for in said act shall be for the purposes of this act, ex-officio State Highway Commissioners. The said State Trunk Highway Commission shall be referred to for all purposes of this act as the "Highway Commission."

The Prison Commission shall, in addition to the duties, powers and functions imposed upon them by Chapter 10 of the Acts of the fourth called session of the Thirty-first Legislature, assume, discharge and exercise the duties, powers and functions imposed upon them by this act. And this act shall, in all particulars, be construed as an enlargement of the said act, to-wit: Chapter 10 of the Acts of the Fourth Called Session of the Thirty-first Legislature, and cumulative thereof, and shall not be construed as repealing any part of the same. And all of the limitations and restraints upon the Prison Commission, in said act, shall remain and be in force against the Highway Commission.

Sec. 2. The purpose of this act is to provide for the construction, maintenance and control by the State System of State Trunk Highways, by and at the cost and expense of the State, and to build such highways with convict labor as near as possible.

Sec. 3. The Prison Commission shall, from time to time, as may be necessary to the carrying out of the purposes and provisions of this act, deliver to the Highway Commission, at one of the penitentiaries of this State, such number or numbers of convicts, prisoners of the first class, as classified under Section 33 of Chapter 10 of the acts of the Fourth Called Session of the Thirty-first

Legislature, as may or can be used by said Highway Commission, to be worked by said Highway Commission in the manner, and where necessary, and under the provisions and for the purposes set forth in this act. And any such convicts and the places where worked, shall at all times be under the control of the Prison Commission, and the State Prison Commission may at any time order any prisoner or prisoners to be returned to the State penitentiary.

Sec. 4. The salaries of all employes under this act which are not fixed by this act shall be fixed by the Highway Commission after an investigation to determine the reasonable value of the services rendered; provided, however, the services of the State Highway Commission are to be rendered ex-officio as provided in Section 1 hereof, and such Highway Commissioners shall not receive any additional salary for said services, other than the salary paid them as prison commissioners; and it is especially provided that wherever convict labor can be used in the carrying out of the purposes of this act, it shall be used rather than free labor.

Sec. 5. All of the rules, regulations and statutes and laws governing the prison system of this State shall be taken and construed as a part of this act, and this act shall in no way operate a repeal of any provision of such rules, regulations and statutes.

Sec. 6. The Highway Commission shall, as soon as this act becomes effective, meet and appoint a competent engineer, and as soon thereafter as may be necessary, appoint not more than two assistant engineers, which assistants shall be under the control and direction of the engineer; and the State Highway Commission shall, from time to time, as becomes necessary to carry out the provisions of this act, appoint or employ all necessary overseers, time-keepers, guards, mechanics, bookkeepers and all other kinds of employes necessary to the practical carrying out of the provisions and purposes of this act.

Sec. 7. The Highway Commission shall have the power and it shall be their duty, as it becomes necessary, to buy all essential and necessary equipment of stock, feed, provisions, tools, implements, rock crushers, steam rollers and all other road machinery and materials necessary to the carrying out of the provisions of this act.

Sec. 8. The Highway Commission shall have the power and right, and it shall be its duty under this act, to buy all necessary gravel pits, rock quarries, shell reefs and all such other road mate-

rial as it may think necessary to carry out the provisions of this act. It may also buy any lands adjacent to any highway herein described, for the purpose of erecting thereon road houses or labor camps and material depots, where the same may be needed. And after the Attorney General has passed favorably upon the title to such lands, quarries, pits, reefs or other property he shall prepare deeds therefor, conveying the same to the Highway Commission to be held by them in trust for the use and benefit of the State.

Sec. 9. The Highway Commission shall have the power and it shall be its duty to enter into contract or contracts with any railway company to haul and move any material or machinery used in building or maintaining any highway, or necessary to the carrying out of the provisions of this act; and also to haul or move any labor used in the carrying out the provisions of this act. Such contracts shall be prepared by the Attorney General, and shall be approved by the Railroad Commission.

Sec. 10. The Highway Commission shall buy such pits, quarries, reefs, etc., as referred to in Section 8 hereof, as near to a railroad as practical, as near where such material is to be used as is practical, and may contract with any railroad near where such pits, quarries, reefs of other material is located, to build the necessary spurs, sidings and platforms for the purpose of loading such material taken from such pits, quarries or reefs; or the Highway Commission may itself build any such spurs, sidings or platforms, if they deem it best to do so; provided, any contract with any railroad company shall be drawn by the Attorney General and be approved by the Railroad Commission.

Sec. 11. The Highway Commission shall build road houses or labor camps and material depots, and shall maintain same along each highway built or maintained by it under the provisions of this act; and it shall have provided at such material depots proper spurs or sidings and such other facilities as may be necessary for handling the road material hauled there, which contract, if any for such purpose, shall be made as provided for in Section 10 hereof, and shall be subject to the approval of the Railroad Commission. The Highway Commission shall also have provided at or near such material depots, upon land bought for that purpose as provided for in Section 8 hereof, the road houses or labor camps to be used and occupied by the convict labor herein provided for, which

shall be constructed of substantial and durable material, modern as to ventilation and sanitary in every respect, and neat and attractive in construction, and which shall accommodate as many as ten men, including convicts and free labor. Such land upon which any such road house or labor camp is built shall contain not less than five acres, and such labor camp, in addition to the road houses provided for in this section shall be equipped with stable, capable of housing as many as ten head of horses and mules, and affording facilities for storing grain, hay and feed. It shall also be provided with such other outhouses and sheds as may be necessary. It shall also be fenced and cross-fenced so as to provide lots for such stock as may be used at such places. Each said road house or labor camps shall have telephone service and the grounds of each road house or labor camp shall be supplied with an abundance of fresh water, and shall be kept clean, and shall be set in trees and beautified, and kept in an attractive and neat condition. The water provided for in this section shall be accessible to the traveling public, and troughs and hydrants shall be so placed to provide water for the animals of the traveling public, and for persons traveling on any such highway. The telephone provided for in this section shall be placed on the front and outside of such road house and shall be accessible to the traveling public, who shall be permitted to use the same at all hours, and without cost, except for long distance service. And such road houses or labor camps and material depots shall be located near some established railroad station, if said highway parallels a railroad now existing or hereafter created. If said highway parallels a railroad the road or labor camps and material depots shall not be placed more than twenty miles from the next nearest road house or labor camp and material depot on either side thereof. By "traveling public" is meant any persons traveling upon said highway, either for business or pleasure.

Sec. 12. The system of State Trunk Highways as contemplated by this act shall be made up and be constituted by the routes described and set out in this section and such other routes as the Legislature shall from time to time direct.

Route No. 1. Shall begin at the city limits of Austin, where said limits cross what is known as the Manor road, which is an extension of Twenty-third street, and shall proceed thence in a southeaster-

ly direction to the city of Galveston, paralleling the Houston & Texas Central railroad to Houston, passing through the following towns: Manor, Elgin, McDade, Paige, Giddings, Ledbetter, Burton, Brenham, Chappell Hill, Hempstead, Waller, Hockley, Cypress and Houston. And from the city of Houston it shall proceed to the city of Galveston over and along the present graded and shelled road connecting Houston and Galveston. (Number of miles, 215.)

Route No. 2. Shall begin at Warner Junction, in Grayson county, and shall proceed in a southerly direction, paralleling the Missouri, Kansas & Texas Railroad, passing through the towns of Denison, Sherman, McKinney, Plano and Dallas, and from Dallas paralleling the Houston & Texas Central Railroad and passing through the towns of Wilmer, Ferris, Ennis, Corsicana, Mexia, Groesbeck, Brenham, Calvert, Hearne, Bryan, Navasota and Hempstead, where it will intersect Route No. 1. (Number of miles, 290.)

Route No. 3. Shall begin at the city limits of the city of Dallas and proceed in a southerly direction, paralleling the Gulf, Colorado & Santa Fe Railroad and passing through the towns of Midlothian, Alvarado, Hillsboro and Waco; thence paralleling the Houston & Texas Central Railroad through Marlin to Bremond, where it will intersect Route No. 2. (Number of miles, 102.)

Route No. 4. Shall begin at the city limits of the city of San Antonio and shall proceed at a northeasterly direction, paralleling the Missouri, Kansas & Texas Railroad through New Braunfels to San Marcos, thence paralleling the International & Great Northern Railroad through Kyle, Buda and Austin; thence through Austin to Alice avenue; thence out Alice avenue to the upper Georgetown road; thence to Round Rock; thence to Taylor and from Taylor paralleling the Missouri, Kansas & Texas Railroad through Granger, Bartlett and Temple to Waco, intersecting Route No. 3. (Number of miles, 190.)

Route No. 5. Shall begin at Fort Worth and proceed south, paralleling the Gulf, Colorado & Santa Fe Railroad to Cleburne; thence to Alvarado, intersecting Route No. 3. (Number of miles, 42.)

Route No. 6. Shall begin at Texarkana and paralleling the Texas & Pacific Railroad to Dallas, passing through the towns of Atlanta, Jefferson, Marshall, Longview, Big Sandy, Mineola, Grand Saline, Wills Point, Terrell, Forney and Dallas. (Number of miles, 215.)

Route No. 7. Shall begin at Longview, paralleling the International & Great Northern Railroad and passing through Overton, Troupe, Jacksonville, Palestine, Elkhart, Grapeland, Crockett, Trinity, Conroe and Houston. (Number of miles, 232.)

Route No. 8. Shall begin at San Antonio and proceed paralleling the Galveston, Harrisburg & San Antonio Railroad through Southerland Springs, Stockdale, Smiley, Cuero; thence to Yoakum, paralleling the San Antonio & Aransas Pass Railroad through Hallettsville to Eagle Lake; thence paralleling the Galveston, Harrisburg & San Antonio Railroad to Richmond; thence to Houston. (Number of miles, 228.)

Route No. 9. Shall begin at the city of San Angelo and shall parallel the Gulf, Colorado & Santa Fe Railroad, passing through Ballinger, Coleman, Brownwood, Goldthwaite, Lometa, Lampasas, Belton to Temple, where it will intersect Route No. 4. (Number of miles, 228.)

Route No. 10. Shall begin at Paris and go in a southerly direction, paralleling the Midland Railroad through Cooper, Commerce, Greenville and Terrell, where it will intersect Route No. 6. (Number of miles, 84.)

Route No. 11. Shall begin at the city of Fort Worth and go north, paralleling the Fort Worth & Denver City Railroad, passing through Decatur, Bowie and Henrietta to Wichita Falls. (Number of miles, 115.)

Route No. 12. Shall begin at Fort Worth and proceed west along the Texas & Pacific Railroad through Weatherford, Thurber Junction, Eastland, Cisco, Baird, Abilene and to Sweetwater. (Number of miles, 202.)

Route No. 13. Shall begin at Comanche and go by the Stevensville North and South Texas Railroad to Hamilton, Gatesville, McGregor and Waco. (Number of miles, 107.)

Route No. 14. Shall begin at Cuero and go south along the Galveston, Harrisburg & San Antonio Railroad to Victoria and Port Lavaca. (Number of miles, 55.)

Route No. 15. Shall begin at McNeil; thence paralleling the Houston & Texas Central Railroad by Leander, Liberty Hill, Bertram and to Burnet; thence to Bluffton, Llano, Mason and Menardville. (Number of miles, 144.)

Route No. 16. Shall begin at Austin and proceed thence in a westerly direction, passing through Cedar Valley, Dripping Springs, Johnson City, Fred-

ericksburg Junction and to Sonora. (Number of miles, 180.)

Route No. 17. Shall begin at the city of Houston and proceed in an easterly direction, paralleling the Southern Pacific Railroad and passing through the towns of Dayton, Liberty, Beaumont and Orange. (Number of miles, 84.)

Total mileage, 2713.

Sec. 13. The Highway Commission shall, immediately after organization of the department herein provided for, and as soon as the funds provided for herein are available, begin the construction of the State Trunk Highways provided for in Section 12 hereof, in the order and in which they are named and numbered, and when any such highway is completed, they shall provide for its maintenance by equipping such road house or labor camp and material depots with the necessary tools, stock, men, wagons, road machinery and material, and whatever may be necessary to maintenance of said highways and to the carrying out of the purposes of this act, and when any highway is so finished, it shall be kept in first-class condition.

Sec. 14. Any highway built under the provisions of this act shall be constructed of durable and substantial material, stone, gravel or shell, and the roadbed of any such highway shall be at least twenty feet wide and shall be made upon a firm foundation of stone or other equally substantial material. The top of such roadbed shall be graded and dressed with gravel, shell or other good material so as to make same smooth and in good condition for travel. It is the purpose of this act to make the highways constructed under it of the highest order and excellence consistent with intelligent economy, and the Highway Commission is directed to secure and use the best locally available material for that purpose. And where a right of way already exists of that width or where the adjoining property owners will give it or any part of it or where the Highway Commission sees proper to buy it, each right of way to any highway shall be at least forty (40) feet wide, and the Commission shall cause shade trees to be set along such highway best suited to shading and beautifying the same.

Sec. 15. It is especially provided that the Highway Commission shall not have, nor exercise the right of "eminent domain" or condemnation of any property; but it is also provided that they can receive by purchase or gift any real estate necessary to the widening, straightening or grading any highway

or for any other purpose necessary to the carrying out of the provisions of this act; but it shall not pay more than the reasonable value for any property.

Sec. 16. The highways herein provided for shall in each instance follow the present established course of travel over the road indicated for such highway, unless the Highway Commission changes the same in some slight particular, for some good and sufficient reason, such as the shortening of the route, avoiding grades, or for some other good reason; provided, that in no case shall the Highway Commission change the general course of any highway, or change it from touching any point named in this act, as being on such highway.

Sec. 17. When the route of any highway herein provided for passes over and along any regularly established and improved county road the Highway Commission shall notify in writing the commissioners court of such county wherein the same is located of that fact, and the commissioners court shall cause notice to be entered of record in its minutes, and also enter an order turning such road over to the State Highway Commission to be by it made a part of the State Trunk Highway System and to be kept and maintained as a State highway, and without any further cost or expense to such county, and such road shall thenceforth in all things be a part of the State Trunk Highway System, and subject to all of the provisions of this act.

Sec. 18. If any person shall willfully obstruct any highway constructed or maintained under this act, or shall place or deposit thereon or on the right of way thereof, any filth, trash, tin cans, bottles, dead animals, rubbish or any unsightly substance, or shall maliciously injure or destroy any part of such highway, or any bridge thereon, or any shade trees, fence, house, well or any other property located on or used in connection with any highway, he shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$500.00 or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Sec. 19. It shall be unlawful for any person or persons to run with animals or with automobiles or other vehicles however propelled any race upon any such highway in this State. And it shall also be unlawful for any person to run an automobile, motorcycle or any vehicle upon any State highway at any greater speed than twenty-five miles an hour. And it shall be unlawful for any



person or persons to drive or propel any vehicle at a rate of speed greater than ten miles an hour when meeting and passing any buggy, wagon or other vehicle or any team. Any person violating any of the provisions of this section shall, upon conviction, be punished by a fine not exceeding \$500.00, or may be imprisoned in the county jail for not longer than six months.

Sec. 20. Each member of the State Highway Commission shall within ten days after this act becomes effective execute a bond, payable to the Governor and his successors in office, for the use of the State, in the sum of \$50,000.00, conditioned that he will faithfully perform the duties of his office, which bond shall be executed with two or more good and sufficient sureties, or with some indemnity, fidelity or bonding company authorized to do business in Texas, the form of which bond shall be prepared by the Attorney General and the sufficiency of the sureties thereon approved by, and the same shall be filed with the Secretary of State; which bond shall not be void on the first recovery of part or of the whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty thereof, and may be sued on from time to time, and shall be deemed to extend to the faithful performance of the duties of his trust until his successor shall be duly qualified and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General, upon notice of default or failure to perform the duties as contemplated by law, by any member of said Highway Commission, to bring suit in any court of competent jurisdiction, in Travis county, Texas, for the forfeiture and collection of said bond; and before entering upon the duties of his office each member of such commission shall take and subscribe the oath of office prescribed by the Constitution of this State, and any Highway Commissioner subsequently qualifying under the provisions of this act shall execute the bond herein provided for and take said oath.

Sec. 21. The highway engineer and assistants herein provided for shall each be competent civil engineers and experienced and skilled in highway construction and maintenance. The highway engineer shall receive a salary of \$300.00 per month and traveling expenses and the salary of each assistant engineer shall be \$150.00 per month and traveling expenses. The engineer and assistants shall be appointed by the Highway Commission and may be removed by said commission at any time and without as-

signing any cause for such removal; provided, such engineer assistant, after he shall have been removed from his said office, may demand of the Highway Commission a statement in writing showing the reason of his removal and they shall give him such statement.

Sec. 22. The highway engineer and each assistant engineer, before entering upon the duties of their respective offices, shall file with said commission his oath of office with sufficient bond to the State of Texas of not less than \$20,000.00; conditioned upon the faithful performance of his duties. Said bond to be approved by the State Highway Commission, and then filed with the Secretary of State.

Sec. 23. Said highway engineer may appoint such other clerks, laborers and assistants as may be necessary to the proper conduct of the work of said commission, by and with the consent of said commission.

Sec. 24. Said highway engineer shall have charge of the records of said Highway Department, other than the books relating to the receipts and disbursements of money; shall keep a record of the proceedings and orders pertaining to the business of his office and of the department; shall keep on hand copies of all plans, specifications and estimates prepared by his office. He shall cause to be made and kept by the department a general highway plan of the State, which shall include, first, trunk highways or routes described and mentioned herein, beginning first with Route No. 1, then Route No. 2, and so on until all of the routes enumerated are planned, and then such other routes and highways as in his judgment should be developed by the State Highway Commission which he shall map and report to the Highway Commission, from time to time as the work progresses, to be by said commission reported from time to time to the Legislature for its use, and he shall collect information and compile statistics relative to mileage, character and condition of the roads and bridges along and over which any designated highway or route is to run, and to make estimates of the cost of constructing State highways thereon; and he shall make plans, estimates and maps of any proposed highway, or any part thereof, when necessary, and shall report the same to the Highway Commission. He shall establish all grades; shall have general supervision over the construction of any highway and of its bridges. He shall investigate and determine the methods of road construction not inconsistent with the purposes and provisions

of this act, best adapted to the various sections of the State, and shall establish standards for the construction and maintenance of any highway, giving due regard to the topography, natural conditions, character and availability to road building, material and the ability of the highway commission to secure such material at economic figures. He may, at all reasonable times, be consulted by the county officers having authority over roads and bridges, other than a State highway, relating to any question involving such roads and bridges, and may, in like manner call upon such officers for any information or assistance they may render in the performance of his duties, with reference to the roads and bridges, within the county or precinct, and it shall be the duty of such officers to supply such information when called upon for the same by said engineer. He shall determine the character and have the general supervision of the construction and repair of all highways improved, constructed or maintained, under the provision of this act, subject to the approval of the Highway Commission. He shall report all the proceedings of his office to the Highway Commission annually, at such time as they may designate. The construction and improvement of highways under this act shall be begun and made in their numerical order, beginning with Route No. 1, then route No. 2, and so on, until the entire Trunk Highway System of the State is finished.

Sec. 25. The Highway Commission shall have the power, if necessary, to let any bridge or bridges on any highway out upon contract, and they shall make such contracts in their own name for the use of the State Trunk Highway System, but such contract shall be drawn by the Attorney General and such bridges shall not be paid for until same is completed and accepted as per contract; provided, however, that no such contract shall be made unless concurred in by all three of the Highway Commissioners, and no contract to do any such work shall be let where the same may be or can be done with convict labor.

Sec. 26. Whenever any highway is constructed, or is taken over by the State, or by any means it becomes a part of the State Trunk Highway System, then the Highway Commission shall keep same repaired and maintained, at the expense of the State and under the provisions of this act.

Sec. 27. No State highway shall be "dug" up or otherwise used for laying pipe lines, sewers, poles, wires or railway, or for other purposes without the

written permit of said highway engineer, and then only in accordance with the regulations prescribed by the said engineer; and all such work shall be done under the supervision and to the satisfaction of said engineer, and all the cost of replacing the highway in as good condition as previous to its being disturbed shall be paid by the person to whom or in whose behalf such permit was given, or by the person by whom the work was done. In case of immediate necessity therefor a city or town may "dig" up such highway without such permit from said engineer; provided, that in such case such highway shall forthwith be replaced in as good condition as before, at the expense of such city or town.

Sec. 28. No railroad system, electric or any other kind, shall ever be permitted to run its tracks along any State Trunk Highway either upon the roadbed or upon the right of way; provided, however, that this prohibition shall not apply to any railroad that may exist upon any State Trunk Highway at the time such trunk highway is constructed, or becomes a part of the State Trunk Highway System; provided, further, that the State Highway Commission may enter into a contract with any railroad company, allowing it to use any bridge built by said commission, and to use so much of said highway as may be necessary to approach such bridge. But it is expressly provided that such use of such highway and bridge shall not in any way impair or impede the use of the same, or either of them, by the traveling public; and any such contract shall be in writing, signed, acknowledged and concurred in by all three members of the Highway Commission; shall be for a valuable and sufficient consideration commensurate with the value of such use of the same; and shall be approved by the Railroad Commission, and shall be filed and recorded in the county wherein such bridge or highway is so used.

Sec. 29. When any trunk highway is planned and plotted by the highway engineer he shall cause same to be surveyed and cause mile posts to be set up thereon, upon which shall be plainly printed the distance from the respective termini of such highway. And where the county or other road enters or crosses any trunk highway he shall cause to be placed at said point of entrance or crossing sign boards, giving the name of such county road and such other information as may be useful to the traveling public. And if any person shall willfully injure, remove or de-

stroy any such mile post or sign he shall, upon conviction, be fined in any sum not exceeding \$500.00.

Sec. 30. In order to provide funds necessary to the carrying out of the provisions of this act, the Treasurer of the State of Texas is hereby authorized and directed to set aside on the first day of September, 1913, and on the first day of September of each and every year thereafter one-half of all moneys accruing to the State from licenses issued to retail liquor dealers and retail malt dealers, under the laws governing the sale of intoxicating liquors in this State, by the State, which shall be placed to the credit of and held by the Treasurer as the "State Trunk Highway System Fund," for the exclusive uses and purposes of this act; and also all moneys accruing from the licensing or registration of automobiles in this State, whether derived from existing laws or laws to be hereafter passed, over and above the necessary expense incident to such licensing or registration, including the salary of the necessary officers and assistants for same, shall be paid into the State Treasury and applied to the said "State Trunk Highway System Fund," for the exclusive uses and purposes of this act. Any portion of said "State Trunk Highway System Fund" unexpended at the expiration of any fiscal year shall remain in said fund and be available for apportionment and expenditure during succeeding fiscal years. And the Comptroller of Public Accounts is directed to authorize the Treasurer each year to make the transfer herein required and to furnish to said Treasurer a statement of the amount of such money collected from such sources, together with any and all data and information necessary to effectuate the provisions of this section.

Sec. 31. The Treasurer shall hold the funds provided for in the preceding section as bailee for the Highway Commission, which fund shall be known as the "State Trunk Highway System Fund," and he shall furnish to the Highway Commission on the first day of September, 1913, and on the first day of September of each and every year thereafter, and at such other times as required by the Highway Commission, a statement showing the amount of such fund on hand and to the credit thereof, and he shall pay out the same on draft drawn by the officer designated in Section 34 hereof. The Highway Commission is authorized to draw upon the State Trunk Highway System Fund or account, on the State

Treasurer such sum or sums of money and at such time or times as in their judgment may be necessary for the transaction of the business of the State Trunk Highway System, and in the carrying out of the provisions of this act; provided, they shall not draw for a sum that will give them on hand and in bank, subject to disbursement, in excess of \$25,000.00; and provided, further, the account of the State Trunk Highway System Fund shall in no event be overdrawn, and in no event shall the State Treasurer ever permit an overdraft against said fund to be paid. And it is especially provided that no part of said fund shall, in any event, be used directly or indirectly, for any purpose other than to carry out the provisions of this act, and for the purpose of transacting the business of the Highway Commission. If any person or persons connected with the State Trunk Highway Commission System diverts or misapplies any of said funds for any purpose other than the carrying out of the provisions of this act, he shall be removed from the position that he holds.

Sec. 32. Out of the funds provided for in the foregoing sections, the Highway Commission shall defray all expenses incurred in the carrying out of the provisions of this act, of every character and kind, including clothes, medicine, transportation and the board of convicts, and guard hire and the board of all other employes, it being the purpose and intention of this act that the Prison Commission, as such, shall incur no expense whatever for or on account of any prisoner after he has been placed upon any highway work, or delivered to the Highway Commission under the provisions of this act, but such prisoner shall be transported, fed and clothed and provided for out of the State Trunk Highway Commission fund. But all convicts and the places where the same are kept or worked shall at all times be under the control of the Prison Commission, and subject to all the privileges, restraints and rules governing or imposed by the prison system, as defined by law.

Sec. 33. The Highway Commission shall cause to be made annually on the first day of January, a full and complete inventory of all lands, buildings, machinery and all other property of every description belonging to the highway system, and shall cause to be set opposite each item the book value and also the actual value of the same so as to give an easy comparison with the previous annual statement. And the said statement shall also show the num-

ber of convicts worked for the previous year under the provisions of this act, and the number of days worked by each convict. And shall also show the number of miles of highway constructed and cost thereof per mile; and the number of miles maintained and the cost thereof per mile; the number of bridges constructed, and the cost thereof, together with a full and detailed statement of all work done, and an itemized statement of money expended, giving amounts paid out and to whom paid. And the Highway Commission shall cause to be kept in the accounting department of the Prison System a system of books showing the separate accounts of the Highway System, showing in detail the separate accounts of the Highway System, showing in detail the disbursements made by the Highway Department, and what for and what work done, and to whom made and when, together with an accurate account of each financial item transacted by such department, and shall make a report of same annually to the Governor, which report shall be published by the Governor as fully and as required of the report of the Prison Commission, and the said publication shall be paid for out of the State Trunk Highway System Fund. And the Highway Commission shall pay to the Prison Commission out of the said Highway Fund the cost of keeping such set of books, and of making such report.

Sec. 34. The member of the Prison Commission as designated by Section 22, Chapter 10 of the Acts of the Fourth Called Session of the Thirty-first Legislature, to have supervision over the finances and financial transactions of the Prison System, shall, in his position as ex-officio member of the State Trunk Highway Commission, exercise a like supervision over the finances and financial transactions of the State Trunk Highway System, and shall keep or cause to be kept a correct and accurate account of each and every financial transaction of the State Trunk Highway system, including all receipts and disbursements of every character. He shall receive and receipt for all money paid to the Highway Commission from every source whatever and shall sign all vouchers or warrants authorizing the payment of any sum or sums of money on account of the Highway System Commission, and no money shall be paid out on account of said State Trunk Highway System, except upon a voucher or warrant signed by him. He shall keep a full and accurate account with

all firms, persons or corporations having financial transactions with the State Trunk Highway System. He shall have power to require all necessary reports from any officer or employe at any time. All deposits of the State Trunk Highway Commission funds with banks shall be kept in the name of said officer, in his ex-officio official capacity, and all such funds shall be kept separate from private funds. Such accountants, clerks and assistants as may be necessary to carry out the provisions of this section shall be supplied by the Highway Commission in order that a full, complete and accurate correct account may be kept of all financial transactions of the Highway System. In the absence of such officer, one of the other highway commissioners may sign such receipts, vouchers or warrants.

Sec. 35. The permanent auditor for the Prison System, as provided for in Section 23, Chapter 10, of the Acts of the Fourth Called Session of the Thirty-first Legislature shall audit all accounts, vouchers, warrants and all other financial transactions of the State Trunk Highway System, and check all property, material and supplies received and deposited by or disbursed with the State Trunk Highway System, and he shall make a full report thereof to the Governor on the first day of January of each year. Such auditor shall perform the duties herein prescribed, in addition to those imposed upon him by said Section 23 of said chapter, and he shall not receive any additional salary for so doing. Provided, however, he shall be allowed his traveling expenses as evidenced by an itemized, sworn statement, filed by the auditor with the Commission.

Sec. 36. The Highway Commission, in purchasing provisions, feed, tools and such other material, shall do so in a way to secure same at the cheapest and most satisfactory cost; and if it is necessary for them to have the State Purchasing Agent to buy such stuff for them in bulk, or in large quantities, they are hereby authorized to call upon him to make such purchases, and when called upon it shall be his duty to act for them.

Sec. 37. The county commissioners of any county shall have the authority to apply for and receive road material from the Highway Commission at any material depot for the purpose of constructing roads connected with any said trunk highway, and shall pay for such material the actual cost of placing the same at such material depot, and the

money which they pay for same shall be turned into the State Treasury by the Highway Commission and be credited to the State Trunk Highway System Fund.

Sec. 38. If it is made to appear to the Governor that any convict employed upon any trunk highway in this State has worked over a period of one year, and has made a good prisoner and a good hand, and has not violated any of the rules governing said Highway System, or Prison System, and that he has served two-thirds of the time assessed against him, on his sentence, that the Governor may pardon such convict.

Sec. 39. If any provision of this law shall be declared or held to be unconstitutional, then such unconstitutionality shall affect only such provision or provisions, and the rest of the law shall remain and be in force.

(Senator Townsend in the chair.)

#### ADJOURNMENT.

Pending discussion on Senate bill No. 8 by Senator McGregor, Senator Nugent moved that Senator McGregor be recognized on tomorrow morning to continue his argument, and that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion prevailed.

#### APPENDIX.

##### BILLS AND RESOLUTIONS SIGNED.

The Chair, Lieutenant Governor Mayes, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 231, "An Act to abolish the Eddy Independent School District, created under the General Laws of the State of Texas, and to incorporate the Eddy Independent School District to be within certain boundaries at and surrounding the town of Eddy, McLennan county, Texas; investing said independent school district and the boards of school trustees thereof with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only, under the General Laws, and declaring an emergency."

House bill No. 378, "An Act to increase the limits of the Bremond Independent School District, and creating an emergency."

House bill No. 188, "An Act to amend Section 1 and 10 of Chapter 49 of the Acts of the Twenty-seventh Legislature,

creating a more efficient road system for Fayette, Uvalde and Frio counties, as amended by the Thirtieth Legislature, Chapter 88, so as to apply to McMullen county, and to provide for the increase of the payment of the road commissioners in the counties of Fayette, Uvalde, Frio and McMullen, to \$3.00 per day, for services actually performed in any one year."

House bill No. 57, "An Act creating an independent school district, to be known as Bishop Independent School District, including within its limits the municipal corporation of the town of Bishop, and to provide for the creation of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes and conferring upon the board of trustees plenary powers and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools, providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of said board of trustees, and repealing all laws in conflict herewith, and declaring an emergency."

House Concurrent Resolution No. 12, Requesting the Congress of the United States to make necessary appropriation and have necessary steps taken to protect the channel at the port of Galveston.

##### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, February 25, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on County and County Boundaries, to whom was referred

House bill No. 40, A bill to be entitled "An Act to create and establish the county of Kleberg out of a part of Nueces county; prescribing its area and boundaries; appointing commissioners to organize said county and prescribing their duties; providing for a division of said county into commissioners' and justices' precincts; providing for holding county and precinct elections for the election of county and precinct officers, and for holding an election for the purpose of locating the county seat of said county; providing for the attachment of

said county to judicial, Representative, Senatorial, Congressional and Supreme Judicial Districts; providing for the terms of the district courts in said county regulating the venue of certain cases pending in Nueces county; regulating the service of process and the execution of bonds issued and executed prior to the passage of this act; providing for the assessment and collection of taxes and for the defraying of the expenses of organizing said county and surveying and fixing its boundaries and providing for the payment of the pro rata share of the debt of Nueces county, from which said county is taken; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.  
JOHNSON, Chairman.

Committee Room,

Austin, Texas, February 25, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 330, A bill to be entitled "An Act to amend Sections 1, 2, 3 and 6 of Chapter 77 of the General Laws of the Thirty-second Legislature, approved March 17, 1911, and entitled 'An Act to provide for the location, establishment and maintenance of two colonies for the treatment of persons suffering from tuberculosis, and to provide for the care and treatment of indigent consumptives, and making an appropriation therefor; defining a citizen as used in this act, and declaring an emergency,' and providing an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

KAUFFMAN, Chairman.

Committee Room,

Austin, Texas, February 11, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 205, A bill to be entitled "An Act to define who may be eligible to hold official positions in the State banks and State Banks and Trust Companies of this State, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the

same back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,

Austin, Texas, February 11, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 119, A bill to be entitled "An Act defining certain classes of indemnity contracts, prescribing regulations therefor, and fixing a license fee,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WATSON, Chairman.

Committee Room,

Austin, Texas, February 11, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 219, A bill to be entitled "An Act relating to the incorporation, operation and supervision of State banks, trust companies, savings banks, and bank and trust companies, etc.,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,

Austin, Texas, February 11, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 230, A bill to be entitled "An Act defining certain classes of indemnity contracts, prescribing regulations therefor, fixing a license fee, providing for the issuance of a permit, providing penalty for violation thereof, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,

Austin, Texas, February 11, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Insurance,

Statistics and History, to whom was referred

Senate bill No. 218, A bill to be entitled "An Act prescribing the method of procuring charters for banks, trust companies, and bank and trust companies, to require incorporators thereof to submit their articles of incorporation to the State board, and to give said board authority to make certain investigations, etc., and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,

Austin, Texas, February 11, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 256, A bill to be entitled "An Act permitting the formation, and incorporation of mutual fire, lightning, hail and storm insurance companies, etc., and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,

Austin, Texas, February 25, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 246, A bill to be entitled "An Act to define, regulate and control Fraternal Benefit Societies; defining a lodge system and a representative form of government; providing for the issuance of certificates and the investment and distribution of funds; limiting membership and beneficiaries in said societies; naming the duties and authority of the Commissioner of Insurance and Banking; fixing an annual license and way to cancel same; providing for the valuation of policies and how to ascertain the solvency of said societies; regulating foreign and certain domestic societies; providing that Beneficiary Associations heretofore organized shall be subject to the provisions of this law; repealing Chapter 36, Acts of the First Called Session of the Thirty-first Legislature, and Chapter 22, Acts of the Second Called Session of the Thirty-first Legislature, and Chapter 92, Acts of the

Regular Session of the Thirty-second Legislature, and all other laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

KAUFFMAN, Acting Chairman.

Committee Room,

Austin, Texas, February 25, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred House bill No. 84, have had same under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do not pass, but that the following substitute, marked Exhibit "A" for identification, be passed in lieu thereof:

"An Act to authorize the St. Louis Southwestern Railway Company of Texas to purchase, own and operate as a part of its line, the railroad of the Stephenville North and South Texas Railway Company, together with all the franchise and property incident or appertaining thereto; the railroad of the Eastern Texas Railway Company and the Eastern Texas Railway Company, each, to sell its railroad, together with all the franchises and property incident or appertaining there to to the said St. Louis Southwestern Railway Company of Texas, and to authorize the latter company after such purchase of either of said railroads, to operate the same under its charter as part of its own line, and to extend the lines of roads so purchased and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas, and until such purchase is made, to authorize the St. Louis Southwestern Railway Company of Texas to purchase and own the capital stock of the Stephenville North & South Texas Railway Company, and to regulate the reports and operations of either of said railroads and property after the purchase thereof; and to authorize each of said railway companies to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale, and declare an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the St. Louis Southwestern Railway Company of Texas be, and it is hereby authorized to purchase,

own and operate as part of its lines of railroad, the railroad of the Stephenville North & South Texas Railway Company, extending, or to extend, constructed, or to be constructed, from Stephenville, Erath county, Texas, through the counties of Erath and Hamilton to the town of Hamilton in said Hamilton county, Texas; thence, through the counties of Hamilton and Coryell to the town of Gatesville in Coryell county, a station on the line of the St. Louis Southwestern Railway Company of Texas; also a branch line from said town of Hamilton through the counties of Hamilton and Comanche to the town of Comanche in said Comanche county; also the right to construct a line from said Stephenville in Erath county to the town of Thurber in said county, as the said lines of railway are defined in its charter and amendments thereto, together with all the franchises and property incident or appertaining thereto, and said Stephenville North & South Texas Railway Company be, and it is hereby authorized to sell its said railroad, franchise and property to said St. Louis Southwestern Railway Company of Texas, and said St. Louis Southwestern Railway Company of Texas be, and it is hereby authorized to purchase, own and operate as a part of its line of railroad, the railroad of the Eastern Texas Railroad Company extending and constructed from Lufkin in Angelina county, through the counties of Angelina, Trinity and Houston to Kennard, in said Houston county, and the right to construct a line from Kennard to Crockett, in said Houston county, as defined in its charter and amendments thereof, together with all the franchise and property incident or appertaining thereto; and said Eastern Texas Railway Company be, and it is hereby authorized to sell its said railroad, franchise and property to said St. Louis Southwestern Railway Company of Texas, and said railway companies are hereby authorized to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sales.

Sec. 2. The said St. Louis Southwestern Railway Company of Texas is hereby authorized and empowered, in the event it shall purchase the railroad of the Stephenville North and South Texas Railway Company, together with all the rights, franchises and property incident or appertaining thereto, to acquire and take title to the same, subject to all the bonds, mortgages, liens, indebtedness and other liabilities of the Stephenville North and South Texas

Railway Company owing and outstanding in the time of such purchase, and may make payment therefor, either by issuing an amount of its stock or bonds, or stock and bonds, equal to the value of the property so purchased, such value to be fixed in accordance with law by the Railroad Commission of Texas, to pay for the said railroad and properties so purchased; or may make such payment by the assumption of the payment of all of the bonds, mortgages, liens, indebtedness and other liabilities of the Stephenville North and South Texas Railway Company, then outstanding, or may make such payment in any other lawful manner satisfactory to each of said railway companies; and the St. Louis Southwestern Railway Company of Texas may at any time after such purchase issue its bonds, or stocks and bonds in exchange for the bonds, or stocks and bonds then outstanding of the Stephenville North & South Texas Railway Company, the amount thereof to be approved by the Railroad Commission of Texas, and may secure any bonds so issued by mortgage upon the railroad and property so purchased, provided it shall produce to the said Railroad Commission satisfactory evidence of the cancellation of the bonds or stocks and bonds, as the case may be, of the said Stephenville North & South Texas Railway Company, for which said exchange is to be made.

Sec. 3. The St. Louis Southwestern Railway Company of Texas is hereby authorized and empowered, in the event it shall purchase the railroad and properties of the Eastern Texas Railroad Company as herein provided, to issue and negotiate its bond or bonds, from time to time, subject to the laws of the State of Texas, secured or to be secured by mortgage or mortgages upon the railroad and properties so purchased, or may issue such bonds and secure the same under and by virtue of any of the existing mortgages of the St. Louis Southwestern Railway Company of Texas as it may elect and determine, the amount of such bond or bonds to be the value of the railroad, franchise and property authorized by this act to be purchased, as such value shall be ascertained by the Railroad Commission of Texas, proceeding under the law regulating the issuance, approval and registration of bonds by railway companies in the State of Texas; provided that before said St. Louis Southwestern Railway Company of Texas shall be authorized to issue said bond or bonds, secured, or to be secured by mortgage or



mortgages as aforesaid, the outstanding capital stock of the Eastern Texas Railroad Company shall be canceled and extinguished and satisfactory evidence thereof shall be furnished the Railroad Commission of Texas before the issuance of such bond, or bonds, or the approval or registration thereof is authorized.

Sec. 4. The Stephenville North & South Texas Railway Company, in the event of the sale of its railroad and properties to the St. Louis Southwestern Railway Company of Texas, is hereby authorized to continue its organization and to construct extensions and branch lines connected with the property sold, to issue stocks and bonds as provided by law, with the approval of the Railroad Commission of Texas, on account of such construction, and to secure its bonds so issued by existing mortgage, or a new mortgage on such property, and to sell the extensions and branch lines so constructed, to the St. Louis Southwestern Railway Company of Texas in the same manner as provided herein for the sale of its existing properties; or in the event of such sale, the St. Louis Southwestern Railway Company of Texas shall complete the unfinished portion of the railroads so purchased between the termini as defined in the charter of the Stephenville North & South Texas Railway Company, and amendments thereof, and in addition thereto may construct other extensions and branch lines by proper amendment of its own charter, and may issue bonds to be approved by the Railroad Commission of Texas, on account of such construction, as provided by law, either in its own name or in the name of the Stephenville North & South Texas Railway Company, and secure the same by mortgage on said property so purchased.

Sec. 5. After the purchase and sale of either of said railroads and properties authorized by this act, said St. Louis Southwestern Railway Company of Texas may file in the office of the Secretary of the State of Texas, a certified copy of the conveyance of any of the property so purchased, and may without further corporate action, include the operation of such railroad and properties so purchased or constructed, in accordance with the provisions of this act, with the operations of its own lines in the reports required to be made to the Railroad Commission of Texas or any other department or officer of the State or Federal government. The St. Louis Southwestern Railway Company of Texas, in the event of the purchase of either of the railroads and properties

authorized by this act, is hereby empowered, authorized and required to assume the payment of all existing indebtedness and liabilities of the railway company whose railroad and property it has so purchased or constructed, including all indebtedness and liabilities of every character whatsoever; and the property so sold shall be subject to execution and sale for any judgment rendered on account of such indebtedness or liabilities, and no cause of action for such indebtedness or liability in existence at the time of such purchase, shall be otherwise affected thereby, provided the existing indebtedness, whether secured by mortgage or otherwise of the St. Louis Southwestern Railway Company of Texas may guarantee or cause to be guaranteed, the payment of the bonds of the Stephenville North and South Texas Railway Company outstanding, or to be hereafter issued, both as to principal and interest.

Sec. 7. The courts of this State are required to take judicial notice of this act and of the powers and privileges herein granted in the same manner as if the same were a general law. Provided that the provisions of this bill shall not be of any binding force and effect until after the Eastern Texas Railroad Company shall have extended its line of railroad from Kennard in Houston county, Texas, its present terminus, to Crockett, Houston county, Texas, a distance of seventeen miles, as called for by an amendment to the charter of said Eastern Texas Railroad Company.

Sec. 8. The fact that important public interests are to be subserved by the passage of this act, providing for the enlargement of an important railroad system of this State, and the crowded condition of the calendar, create an imperative public necessity and an emergency which justifies the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is therefore suspended, and this act shall take effect and be in force from and after its passage, and it is therefore so enacted.

KAUFFMAN, Chairman.

Committee Room,

Austin, Texas, February 25, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, a minority of your Committee on Internal Improvements, to whom was referred House bill No. 84, have had the same under consideration, and beg leave to report same back to the

Senate with the recommendation that it do pass.

KAUFFMAN.  
CONNER.  
HUDSPETH.  
NUGENT.  
TAYLOR.  
MORROW.

Committee Room.

Austin, Texas, February 25, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 97, A bill to be entitled "An Act validating charters and all charter amendments increasing the authorized capital stock of corporations organized under the terms of Chapter 117 of the General Laws of the Twenty-sixth Legislature of the State of Texas approved May 15, 1899, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with amendments:

Amend the bill after the word "amendments," in the title, and insert "and all proceedings for."

Amend the bill after the word "amendments," in the first line of Section 1, and insert "and all proceedings for."

Amend the bill by striking out all of the last part of Section 1, after the word "amendments" and insert "and proceedings as certified to by the office of Secretary of State, are in all things, including all and every part of the increases of authorized capital stock provided for thereby, fully validated."

KAUFFMAN, Chairman.

Committee Room,

Austin, Texas, February 25, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, a majority of your Committee on Public Buildings and Grounds, to whom was referred

House bill No. 162, A bill to be entitled "An Act to amend Article 6394, Chapter 1, Title 113, providing for the care and custody of that part of the old Alamo Mission property purchased by the State adjoining the building known as the Alamo church, and that same be delivered to the Daughters of the Republic of Texas, to be maintained and remodeled upon plans adopted by them, and providing that no changes or alter-

ations shall be made in the Alamo church proper, except such as is necessary for its preservation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

DARWIN, Chairman.

Committee Room,

Austin, Texas, February 25, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, a minority of your Committee on Public Buildings and Grounds, to whom was referred

House bill No. 162, A bill to be entitled "An Act to amend Article 6394, Chapter 1, Title 113, providing for the care and custody of that part of the old Alamo Mission property purchased by the State adjoining the building known as the Alamo church, and that same be delivered to the Daughters of the Republic of Texas, to be maintained and remodeled upon plans adopted by them, and providing that no changes or alterations shall be made in the Alamo church proper, except such as is necessary for its preservation, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

DARWIN,  
REAL.  
McGREGOR.

Committee Room,

Austin, Texas, February 25, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 134, A bill to be entitled "An Act to amend Article 1830, Title 37, Revised Statutes 1911, by striking out exception 4 and adding in lieu thereof the following: 'Where there are two or more defendants residing in different counties in which case the suit may be brought in any county where any one of the defendants reside; provided, that the transfer or assignment of any note or chose in action shall not give any subsequent holder the right to institute suit on any such note or chose in action in any other county or justice precinct than the county or justice precinct in which such suit could

have been prosecuted if no assignment or transfer had been made,'"

And find the same correctly engrossed.  
BRELSFORD, Chairman.

### FLOOR REPORTS.

Austin, Texas, February 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 339, A bill to be entitled "An Act to create a more efficient road system for Tom Green county, Texas, and making county commissioners of said county ex-officio road commissioners of their respective precincts, and prescribing their powers and duties as such, and providing for their compensation; and providing for the condemning of material for the construction and maintenance of public roads, and to provide for compensation for such material used; and providing for the working of county convicts on the public roads of said county and the purchase of supplies for such convicts, and rewards for the capture of escaped county convicts and for the commutation of sentence for faithful service and good behavior; and defining the powers and duties of road overseers in said county, and to provide for the summoning of hands and teams for road work and the allowance for time for services of hands and teams on said public roads; and giving a penalty for violation of same and relieving them from the payment of such work by payment of \$3.00; and providing further making this act cumulative of the General Laws now in force, when not in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, Townsend, McNealus.

Austin, Texas, February 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 341, A bill to be entitled "An Act to create a more efficient road system for Wichita county, in the State of Texas, and making county commissioners of said county ex-officio road

commissioners, and prescribing duties as such, and providing for their compensation, defining the powers and duties of the commissioners courts of said county and fixing a penalty for the violation of this act, and to repeal all laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, Townsend, McNealus.

Austin, Texas, February 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 336, A bill to be entitled "An Act granting to Fannin county a more efficient road law and empowering said county, or any defined district therein, to issue bonds in any amount not to exceed one-fourth of the assessed value of the real property of said county, or defined district, when the same shall have been authorized by a two-thirds majority of the resident property taxpayers, qualified voters of such county, or in such district, at an election held for that purpose, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macademized, graveled or paved roads or turnpikes, and prescribing ways and means of conducting and supervising said work; providing for condemnation of right of way for roads and condemnation of gravel beds and other useful materials for road purposes; requiring railway companies to drain right of way and bar pits when beneficial to public roads; requiring county officers to promptly deliver convicts to road guard, providing for the working of delinquent poll taxpayers on the public roads; regulating the appointment of overseers and providing penalty for their failure to make reports; providing for the protection of the roads of said county and travelers thereon and fixing penalties for violation of the provisions of this act; fixing compensation of the members of the commissioners court; declaring this act to be cumulative of all General and Special Laws of the State of Texas applicable to Fannin county, when not in conflict with provisions of this act, in which case the provisions of this act shall prevail; requiring courts to take

notice of this act without being specially plead and proved, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, Townsend, McNealus.

Austin, Texas, February 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 346, A bill to be entitled "An Act creating a Special Road Law for Tarrant County,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, Townsend, McNealus.

Austin, Texas, February 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 63, A bill to be entitled "An Act to create a more efficient road system for Hopkins county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, Townsend, McNealus.

Austin, Texas, February 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to who was referred

Senate bill No. 333, A bill to be entitled "An Act to authorize Nueces county to build, and construct, own, lease and maintain a causeway, or combination roadway and bridge, from the mainland on the south shore of Nueces or Corpus Christi Bays to the north shore of said bays, or either of them, to connect the roadways of Nueces county with the

roadways of San Patricio county, and for the said Nueces county to issue bonds of said county for same and to levy and collect a special tax of fifteen cents authorized by Article 8, Section 9, of the Constitution, on the one hundred dollars valuation of the taxable property in said county; providing for condemnation proceedings and for the right of way; authorizing said Nueces county to lease right of easement of user of a portion of said road and bridge on terms to be prescribed by the commissioners court of said county; authorizing, by vote, the levy of a tax and the issuance by said county of coupon bonds for the purpose of constructing, maintaining and operating macadamized, gravelled or paved roads; adopting certain provisions of the general law, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, Townsend, McNealus.

Austin, Texas, February 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 343, A bill to be entitled "An Act to amend Section 23, Chapter 46, of the Acts of 1901, passed by the Twenty-seventh Legislature, and to amend Section 23 of Chapter 94 of the Acts of 1911, passed by the Thirty-second Legislature of the State of Texas, being an act entitled 'An Act to create a more efficient road system for Matagorda county,' and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, Townsend, McNealus.

#### PETITIONS AND MEMORIALS.

By Senator Kauffman:

Petition signed numerously by a delegation of the Northeast Texas District Farmers' Union requesting support of Senate Joint Resolutions Nos. 12 and 13, initiative, referendum and recall.

By Senator Terrell:

Petition signed numerously by citi-

zens of McLennan county, Texas, requesting support of bill amending the present law so as to permit Texas corporations to borrow money on the credit of the corporation in excess of its authorized capital stock.

By Lieutenant Governor Mayes:

Letter from Houston, Texas, Chapter, D. A. R., reading as follows:

San Jacinto Chapter, Daughters of the Republic of Texas, respectfully request that you give your assistance to the passage of the bill introduced by Senator Real and others, and known as the Alamo Bill.

Respectfully,

MRS. J. J. McKEEVER, President,  
San Jacinto Chapter, Daughters of the Republic of Texas.

MRS. C. H. MILBY, Secretary.

By Senator Johnson:

Petitions numerous signed by citizens of his district requesting support of Senate bill No. 19, the Full Crew bill.

By Senator Terrell:

Numerous petitions signed numerous by citizens of Waco and McLennan county, Texas, asking support of the two bills authorizing the Cotton Belt Railway Company to consolidate certain lines in Texas.

By Senator Lattimore:

Copy of resolutions passed by a meeting of Tarrant county, Texas, at Fort Worth, endorsing a road law which had been prepared and presented to the meeting.

By Senators Taylor, Townsend and Lieutenant Governor Mayes:

Numerous petitions and telegrams signed numerous by citizens of towns and members of State organizations in Texas, requesting support of an effort to pass the Katy consolidation bill over the Governor's veto.

By Senator Weinert:

Numerous petitions signed numerous by farmers and business men of Lockhart, Texas, protesting against passage of the bill providing for the growing of cotton for seed purposes by convicts in the State penitentiaries.

By Senator Paulus:

Numerous petitions signed numerous by citizens of various counties of Texas requesting the Legislature to submit to a vote of the people of Texas amendments to the Constitution, intro-

duced by Senator Paulus, providing for a tax equal to its full rental value on all land (excepting homesteads of 200 acres) held for speculation or not in actual cultivation, and providing further, that certain classes of property may by majority vote be exempted from taxation.

### THIRTY-THIRD DAY.

Senate Chamber,

Austin, Texas,

Wednesday, February 26, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum present, the following Senators answering to their names:

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent—Excused.

Greer.

Weinert.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Johnson, the same was dispensed with.

(See Appendix for petitions and memorials and standing committee reports.)

### BILLS AND RESOLUTIONS.

By Senator McNealus:

Senate bill No. 361, A bill to be entitled "An Act to grant the charter of the Bankers' Guarantee Life and Pension Company, of Dallas Texas."

Read first time and referred to Committee on Insurance, Statistics and History.

Morning call concluded.

By unanimous consent, after the conclusion of the morning call.

By Senator Murray:

Senate bill No. 362, A bill to be entitled